

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

BARRY HARRIS,

Petitioner,

v.

CALVIN JOHNSON, *et al.*,

Respondents.

Case No. 3:20-cv-00695-MMD-WGC

ORDER

In this *habeas corpus* action, in which Petitioner Barry Harris is represented by appointed counsel, on January 14, 2021, the Court denied Harris' application to proceed *in forma pauperis* on the ground that it was "incomplete, in that it does not include the required certificate of a prison official showing the amount of funds in Harris' trust accounts." (ECF No. 10 at 1.) The Court granted Harris time to pay the \$5 filing fee or to file a new, complete application to proceed *in forma pauperis*. (*Id.* at 2.)

On February 11, 2021, Harris filed a motion for reconsideration (ECF No. 11), requesting that the Court reconsider the denial of his *in forma pauperis* application. Harris pointed out that he filed a financial certificate on December 14, 2020 (ECF No. 1-2). The Court denied the motion for reconsideration, determining that the financial certificate submitted by Harris on December 14, 2020, was insufficient in that it was not filed simultaneously with his *in forma pauperis* application, was not current when he filed his *in forma pauperis* application (it was signed on October 26, 2020), and did not show the deposits in his account for the six months before the *in forma pauperis* application was filed. (ECF No. 13.) The Court again granted Harris time to pay the \$5 filing fee or to file a new, complete application to proceed *in forma pauperis*. (*Id.* at 2.)

1 On March 3, 2021, Harris filed another *in forma pauperis* application. (ECF No.
2 14.) That application included a financial certificate on the proper form, but the financial
3 certificate, dated February 2, 2021, showed that Harris is able to pay the filing fee.
4 Therefore, on March 4, 2021, the Court denied the application. (ECF No. 15.) The Court
5 ordered that Harris was to pay the \$5 filing fee by April 9, 2021. (*Id.*)

6 On March 29, 2021, Harris filed yet another *in forma pauperis* application. (ECF
7 No. 16.) The March 29th application is identical to the March 3rd application; attached to
8 the March 29th application is the same February 2 financial certificate that was attached
9 to the March 3rd application. The financial certificate shows that Harris is able to pay the
10 filing fee. The March 29th application will therefore be denied. Harris will be required to
11 pay the \$5 filing fee. The Court will extend to April 30, 2021, the time for Harris to pay the
12 filing fee.

13 Harris is warned that if he does not pay the filing fee within the time allowed, this
14 action may be dismissed.

15 It is therefore ordered that Petitioner's application to proceed *in forma pauperis*
16 (ECF No. 16) is denied.

17 It is further ordered that Petitioner will have until and including April 30, 2021, to
18 pay the \$5 filing fee for this action. To pay the filing fee, Petitioner must make the
19 necessary arrangements to have a check for \$5 sent to the Court, along with a copy of
20 this Order or some other indication that the filing fee is for this action (Case No. 3:20-cv-
21 00695-MMD-WGC).

22 DATED THIS 31st Day of March 2021.

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25 MIRANDA M. DU
26 CHIEF UNITED STATES DISTRICT JUDGE
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